

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON STATE AND LOCAL
GOVERNMENT**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

| | |
|---|---|
| CON RES XXX..... | Chapter # of Constitutional Resolution passed by both Houses |
| CONF CMTE UNABLE TO AGREE..... | Committee of Conference unable to agree; bill died |
| DIED BETWEEN BODIES..... | House & Senate disagree; bill died |
| DIED IN CONCURRENCE..... | One body accepts ONTP report; the other indefinitely postpones the bill |
| DIED ON ADJOURNMENT..... | Action incomplete when session ended; bill died |
| EMERGENCY..... | Enacted law takes effect sooner than 90 days |
| FAILED EMERGENCY ENACTMENT/FINAL PASSAGE..... | Emergency bill failed to get 2/3 vote |
| FAILED ENACTMENT/FINAL PASSAGE..... | Bill failed to get majority vote |
| FAILED MANDATE ENACTMENT..... | Bill imposing local mandate failed to get 2/3 vote |
| NOT PROPERLY BEFORE THE BODY..... | Ruled out of order by the presiding officers; bill died |
| INDEF PP..... | Bill Indefinitely Postponed |
| ONTP (or Accepted ONTP report)..... | Ought Not To Pass report accepted |
| OTP-ND..... | Committee report Ought To Pass In New Draft |
| P&S XXX..... | Chapter # of enacted Private & Special Law |
| PASSED..... | Joint Order passed in both bodies |
| PUBLIC XXX..... | Chapter # of enacted Public Law |
| RESOLVE XXX..... | Chapter # of finally passed Resolve |
| UNSIGNED..... | Bill held by Governor |
| VETO SUSTAINED..... | Legislature failed to override Governor's Veto |

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on State and Local Government

LD 1247 Resolve, To Establish a Study Commission To Explore the Creation of a Department of Peace BY REQUEST ONTP

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| SULLIVAN | ONTP | |

LD 1247 establishes a Study Commission to Explore the Creation of a Department of Peace.

LD 1264 An Act To Resolve Differences in the Laws Regarding Public Shade Trees ACCEPTED ONTP REPORT

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| WAGNER | ONTP MAJ OTP-AM MIN | |

LD 1264 gives municipalities the authority to plant, trim, cut and remove trees in the right-of-way, after giving notice to the abutting property owners. The property owners have the opportunity to appeal the decision and negotiate changes. Municipalities retain the authority to cut and remove trees without notice in emergency situations. Municipalities are required to adopt standards governing many aspects of maintaining trees in the right-of-way, including setbacks and utilities' plans to trim, cut and remove trees. Utilities are required to give customers and abutting landowners in the municipality notice of plans to cut, trim or remove trees in the right-of-way or that encroach on the right-of-way. Notice must also be posted at the municipal office.

Committee Amendment "A" (H-136)

This amendment, which is the minority report, amends the bill so that municipalities are not required to adopt ordinances or standards but may choose to do as long as those ordinances or standards do not include restrictions on utility companies. The amendment removes the requirements for utilities to comply with municipal standards or to provide additional notice to customers other than those requirements that currently exist in state law.

LD 1320 An Act Requiring the Development of Codes of Ethics by Component Units and Other Related Organizations of State Government PUBLIC 107

| <u>Sponsor(s)</u> | <u>Committee Report</u> | <u>Amendments Adopted</u> |
|-------------------|-------------------------|---------------------------|
| BARSTOW | OTP | |

LD 1320 requires that all component units, public instrumentalities and independent agencies develop codes of conduct that will guide the operations and financial administration of such entities. The code is to be disseminated to employees of the entity and will be available for inspection by the general public.

Enacted Law Summary

Public Law 2007, chapter 107 requires that all component units, public instrumentalities and independent agencies develop codes of conduct that will guide the operations and financial administration of such entities. The code is to be disseminated to employees of the entity and will be available for inspection by the general public.